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OGC Has Reviewed

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20 October 54

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MEMORANDUM FOR: Colonel White

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SUBJECT : Tort Claims

30/11/78

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The Tort Claims situation was discussed with [REDACTED] of the Office of General Counsel and as a result the following information was obtained.

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a. The Tort Act gives Governmental agencies the authority to settle Tort Claims of less than \$1,000.00 in cases where the U. S. Government, if considered a private individual, would be liable.

b. A delegation of authority, dated 1 December 1950, placed authority for payment Agency Tort Claims in the Comptroller.

c. The vast majority of Agency Tort Claims result from damages caused by Agency operated vehicles.

d. The procedure presently in use was developed on an ad hoc basis to meet situations. It is as follows:

1. The driver of the Agency vehicle involved in an accident prepares a report, a copy of which goes to General Counsel, [REDACTED].
2. General Counsel receives the formal claim of the claimant. This may be by letter or by telephone.
3. General Counsel acknowledges the claim and sends Government Form 95 to the claimant for execution.
4. General Counsel receives the completed Form 95 together with either two estimates of the cost to repair the damage or a receipted bill for the damages.
5. General Counsel reviews the claim and if it appears in order, sends the file to the Comptroller (Claims Branch). If the claim appears out of line, further correspondence is carried on with the claimant or the claimant is advised that his claim is denied. This denial is also sent to the Comptroller.
6. The Comptroller prepares a voucher and sends it to the claimant for signature; upon receipt of the signed voucher, the Comptroller sends a check to the claimant.
7. Each year the Comptroller prepares a report on Tort Claims settled and sends to General Counsel for review and editing.
8. The annual report on Tort Claims is sent to the President of the Senate and the Speaker of the House.

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